

REMARKS/ARGUMENTS

Claim 8 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/978,801. Claims 4 to 6, 14, 15 and 19 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/978,801 in view of Platteter et al., U.S. Patent No. 5,629,775. Claim 11 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/978,801 in view of Okano, U.S. Publication No. 2001/0011219. Claims 12 and 17 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/978,801 in view of Goers et al., U.S. Publication No. 2002/0096942.

Claims 4 to 6, 8, 11, 12, 14, 15, 17 and 19 would be allowable if a terminal disclaimer is filed.

Claim 12 has been amended to correct a grammatical error.

A terminal disclaimer is submitted herewith.

Reconsideration of the application based on the amendments and the following remarks is respectfully requested.

Double Patenting

Claim 8 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/978,801. Claims 4 to 6, 14, 15 and 19 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/978,801 in view of Platteter et al., U.S. Patent No. 5,629,775. Claim 11 was provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/978,801 in view of Okano, U.S. Publication No. 2001/0011219. Claims 12 and 17 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 11/978,801 in view of Goers et al., U.S. Publication No. 2002/0096942.

Application No. 10/796,671
Response to Office Action dated September 8, 2008

U.S. Application No. 11/978,801 was filed on October 30, 2007 and issued on November 4, 2008 as U.S. Patent No. 7,444,936. A terminal disclaimer is submitted herewith.

Withdrawal of the rejections to claims 4 to 6, 8, 11, 12, 14, 15, 17 and 19 is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,
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